
Protection of Land, Unauthorised Encampments

Committee considering report:	Executive
Date of Committee:	5 September 2019
Portfolio Member:	Councillor Richard Somner
Date Portfolio Member agreed report:	15 August 2019
Report Author:	Paul Hendry
Forward Plan Ref:	EX3655

1. Purpose of the Report

- 1.1 On the 13th September 2018 a motion was submitted to Council as follows:

The Council resolves that an assessment of the susceptibility of each of its green areas in towns and villages to unauthorised encampments be urgently carried out. The assessment should assess each site on its vulnerability to incursions and the likely impact on nearby homes. The assessment to be used to prioritise a programme to improve the security of the sites against future incursions."

- 1.2 The motion was referred without debate to Executive. The purpose of this report is therefore to consider the various options in order to fulfil the objectives of the Motion.

2. Recommendation

- 2.1 That Executive notes the options set out in this Report and the potential implications in terms of both staff time and budget. Further that Executive advise on their preferred approach and response to the Motion.

3. Implications

- 3.1 **Financial:** Each option will have a financial implication. Significant resources will be required dependent on preferred option. Over a number of years the initial capital expenditure may be written off against a reduced number of unauthorised encampments and therefore associated costs.
- 3.2 **Policy:** Protecting vulnerable land in our communities is in accordance with the strategic aim of maintaining a high quality of life within our communities. As parishes will have to be actively involved and encouraged to implement their own solutions this is in accordance with our priority to support communities to do more for themselves.
- 3.3 **Personnel:** This can be achieved utilising existing resources but any capital works required will have to be prioritised over a number of financial years depending on the preferred option.

- 3.4 **Legal:** There are clear equalities issues and the report outcomes must be balanced against any duty owed to the travelling community.
- 3.5 **Risk Management:** There is a risk that we may simply be moving the problem into other locations within the District.
- 3.6 **Property:** Additional open space security measures could change the nature of the land in some areas.
- 3.7 **Other:** The proposal is in accordance with the current Thames Valley Police and Local Authority Joint Protocol which recommends a review of vulnerable land and increased security measures.

4. Other options considered

- 4.1 None

Executive Summary

5. Introduction / Background

- 5.1 In 2018 there was a marked increase in the number of unauthorised encampments in the District. Although most of these encampments were insignificant in terms of impact, a small number became high profile due to the nature of the nuisance and disturbance to local communities, particularly in Theale, Newbury and Thatcham. The Motion, submitted to full Council on the 13th September 2018 and referred without debate to the Executive came about as a consequence of these events.
- 5.2 Gypsies and Irish Travellers are ethnic minorities whose rights are protected by legislation. Actions arising out of this report and the proposed Motion need to balance the needs and expectations of the settled community against any duty owing to the travelling community.
- 5.3 Traveller movements in West Berkshire are largely seasonal and numbers of unauthorised encampments from year to year are generally sporadic. Although 2018 presented significant challenges, this year, to date, there has been no reported issues of unauthorised encampments on Council owned or managed land.
- 5.4 Government guidance and the joint Council/Thames Valley Police Protocol exists which provides guidance on managing unauthorised encampments. This guidance endorses site protection measures for vulnerable sites but is clear that this should not be the only approach considered. Further, target hardening may have the effect of displacing unauthorised encampments onto other more vulnerable land where impacts on the settled community are greater.
- 5.5 Security measures taken in last financial year in Theale and in Thatcham in total amounted to £35,000 for a range of security measures at 3 locations, 2 in Theale and 1 in Thatcham.
- 5.6 Local authority powers in relation to unauthorised encampments are complex. Due to the requirement for a complaint to be laid with magistrates, with an eventual court hearing, then many days will elapse before possession of land is secured.
- 5.7 The police have greater powers than local authorities and an eviction can, under certain circumstances, be carried out within a few hours. Strict criteria are applied under these circumstances but this has been used effectively to protect land and communities. In the last few years both this Council and the local police have cooperated fully in relation to encampments and have dealt with the most problematic encampments quickly and effectively, reducing impacts on communities.
- 5.8 The Countryside Service manages around 750 open spaces in the District, some very small, others much larger, with play facilities and other features provided for recreation purposes. Evaluating the security of land and implementing security measures will require significant investment of staff resources. Consequently site protection measures must target the most vulnerable locations and take into account the likelihood of displacement and available budget.
- 5.9 In May 2019 local parishes were invited to a forum at Shaw House to discuss unauthorised encampments. This meeting indicated that parishes were keen to

work on preventative measures to protect land in their area. Utilising this resource may help to reduce the amount of officer time involved in researching and identifying vulnerable land.

- 5.10 Officers consider that this Motion has to be considered in light of costs, both revenue and capital, and weighed against the seasonal and sporadic nature of encampments. Further the effective use of local authority and especially police powers may be considered sufficient to protect land and communities.
- 5.11 The proposals set out in Table 2 at Appendix C have been assessed in terms of their respective advantages and disadvantages and are designed to allow Members to make an informed choice on the best way forward in response to the Motion.

6. Proposals

- 6.1 Executive is asked to consider the options at Table 2 and advise on their preferred approach and response to the Motion. Bearing in mind the background set out at Appendix C, officers recommend option 3 which provides a more measured approach to the assessment of sites and the implementation of security measures.

7. Conclusions

- 7.1 The Motion submitted on the 13th September 2018 provides an opportunity to review best practice across local authority areas and to consider a process which identifies and protects the most vulnerable land in the District thereby reducing impact on local communities. Town and parish councils will be encouraged to participate in this process in order to provide an effective approach across the District.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Environment
Service:	Transport and Countryside
Team:	Countryside
Lead Officer:	Paul Hendry
Title of Project/System:	Process for evaluating the vulnerability of land to unauthorised camping.
Date of Assessment:	04/06/2019

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>		No
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>		No
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>		No
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>		No
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>		No
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>		No
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>		No

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:***
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To authorise officers to establish best practice and a process for the protection of land from unauthorised camping in the District.
Summary of relevant legislation:	The Human Rights Act 1998 as it relates to ethnic Gypsies.
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Paul Hendry
Date of assessment:	04/06/2019

Is this a:		Is this:	
Policy	No	New or proposed	Yes/No
Strategy	No	Already exists and is being reviewed	Yes/No
Function	No	Is changing	Yes/No
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To provide reassurance to our communities and balance this with the needs of the travelling community
Objectives:	Protection of land from unauthorised camping
Outcomes:	A process which is based on best practice which considers the best means to protect land and which considers the needs of both settled and traveller communities.
Benefits:	Community reassurance. A balanced approach which seeks to protect land but which recognises that traditional stopping sites exist.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race,

Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	N/A	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	N/A	
Race	Gypsies and travellers: There are positive and beneficial impacts. There are areas of land which are entirely unsuitable for gypsies to settle due to their proximity to the settled community and the potential for conflict. The process aims to identify and protect these, whilst recognising that there are traditional stopping locations which cause very few issues for local communities	Historical records support this and recent local conflict and police records will show this.
Religion or Belief	N/A	
Sex	N/A	
Sexual Orientation	N/A	
Further Comments relating to the item:		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: Site security measures will be assessed against criteria which aims to balance the needs of the settled and travelling communities.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No

Please provide an explanation for your answer:

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Paul Hendry

Date: 15th July 2019

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.